

ESTTA Tracking number: **ESTTA594221**

Filing date: **03/24/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92054171
Party	Plaintiff Valeritas, Inc.
Correspondence Address	SHERI S MASON MORSE BARNES-BROWN & PENDLETON PC CITYPOINT, 230 THIRD AVENUE, 4TH FLOOR WALTHAM, MA 02451 UNITED STATES smason@mbbp.com, ttab@mbbp.com, tdunn@mbbp.com, sconnolly@mbbp.com, gkrakau@mbbp.com
Submission	Other Motions/Papers
Filer's Name	Sheri S. Mason
Filer's e-mail	ttab@mbbp.com, smason@mbbp.com, Michael.Bevilacqua@wilmerhale.com
Signature	/Sheri S. Mason/
Date	03/24/2014
Attachments	MOTION FOR AN EXTENSION OF TIME (M0630901).PDF(172926 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Valeritas, Inc.,	)	In the matter of U.S. Reg. No. 3,895,432
	)	
Petitioner,	)	For the Mark: VGO
	)	
v.	)	Filing Date: March 2, 2010
	)	
VGo Communications, Inc.	)	Registration Date: December 21, 2010
	)	
Registrant.	)	Cancellation No.: 92054171
	)	

**CONSENT MOTION FOR A 30-DAY EXTENSION OF TIME**

The Close of Discovery is currently set to close on 03/24/2014. Petitioner requests that such date be extended for 30 days, or until 04/23/2014, and that all subsequent dates be reset accordingly.

<b>Time to Answer :</b>	CLOSED
<b>Deadline for Discovery Conference :</b>	CLOSED
<b>Discovery Opens :</b>	CLOSED
<b>Initial Disclosures Due :</b>	CLOSED
<b>Expert Disclosure Due :</b>	03/24/2014
<b>Discovery Closes :</b>	04/23/2014
<b>Plaintiff's Pretrial Disclosures :</b>	06/07/2014
<b>Plaintiff's 30-day Trial Period Ends :</b>	07/22/2014
<b>Defendant's Pretrial Disclosures :</b>	08/06/2014
<b>Defendant's 30-day Trial Period Ends :</b>	09/20/2014
<b>Plaintiff's Rebuttal Disclosures :</b>	10/05/2014
<b>Plaintiff's 15-day Rebuttal Period Ends :</b>	11/04/2014

The grounds for this request are as follows:

- Parties are engaged in settlement discussions

Petitioner has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

Petitioner has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

### **PETITIONER'S 6TH REPORT ON SETTLEMENT PROGRESS**

During the current extension, the parties have taken further actions in settlement discussions. Registrant received Petitioner's proposed revisions to the agreement on March 21, 2014. Registrant is reviewing the proposed revisions. The parties respectfully request a 30 day extension of time.

#### **Issues that have been resolved.**

As stated in Petitioner's first report, the parties agreed in principle to resolve this dispute by entering into a co-existence agreement by which the Registrant agreed to revise its logo design, which is implicated in this proceeding because the specimen of use submitted by Registrant displays the logo design on the product. As stated in Petitioner's previous reports, an agreement is being finalized by the parties.

#### **Issues that remain to be resolved.**

The parties are currently negotiating the remaining terms of the co-existence agreement.

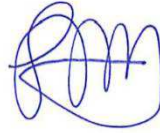
#### **A firm timetable for resolution.**

Barring any extraordinary issues, the parties intend to resolve this matter by April 23, 2013.

Respectfully Submitted,

Dated: March 24, 2014

VALERITAS, INC.



By: \_\_\_\_\_

Sheri S. Mason, Esq.

Thomas F. Dunn, Esq.

Scott J. Connolly, Esq.

Morse, Barnes-Brown & Pendleton, P.C.

CityPoint

230 Third Avenue, 4<sup>th</sup> Floor

Waltham, Massachusetts 02451

Tel: 781.622.5930

Fax: 781.622.5933

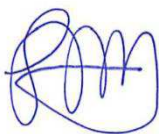
Email: [ttab@mbbp.com](mailto:ttab@mbbp.com)

**CERTIFICATE OF SERVICE**

I, Sheri S. Mason, certify that a copy of the foregoing CONSENT MOTION FOR A 30-DAY EXTENSION OF TIME and PETITIONER'S 6TH REPORT ON SETTLEMENT PROGRESS was served on:

Michael J. Bevilacqua, Esq.  
Barbara A. Barakat, Esq.  
John V. Hobgood, Esq.  
Wilmer Cutler Pickering Hale & Dorr LLP  
60 State Street  
Boston, Massachusetts 02109

by email this 24th day of March, 2014.



---

Sheri S. Mason  
Counsel for Valeritas, Inc.